

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN
COURT MINUTES & ORDER

CHAPTER 7
DATE: October 25, 2011
JUDGE: Margaret Dee McGarity
CASE NO.: 11-29590-MDM
DEBTOR: Wanda F. Pruitt
NATURE OF HEARING: Debtor's correspondence construed as a motion for sanctions against Uno Auto Sales for violation of the automatic stay.
APPEARANCES: Wanda F. Pruitt, Debtor/Pro Se
Gregory Rogaczewski, Attorney for Creditor
Marco Guerrero, Pres. of Uno Auto Sales/Witness
COURTROOM DEPUTY: Carolyn A. Belunas
TIME: 11:05 - 11:38 am

Testimony of Wanda Pruitt

Ms. Pruitt is the debtor in this case which was filed on June 15, 2011. She used a petition preparer to assist her in filling out the petition and schedules. The creditor Uno Auto Sales was listed on Schedule E, however, they were not listed on her matrix. She stated she contacted Marco Guerrero's brother Orlando, at Uno Auto Sales on Oklahoma Avenue, to inform him she was having difficulty making payments. On June 20, 2011, she said she mailed a notice to Uno Auto Sales that she filed bankruptcy. She contacted Orlando and informed him she wanted to keep the vehicle and also that she had filed for bankruptcy. She gave him the case number and informed him she did not have an attorney. She asserted that Orlando told her he was going to speak with their attorney and get back to her, although he never did. Her vehicle was repossessed by Uno Auto Sales on August 26, 2011, and it has not been returned to date.

Testimony of Marco Guerrero

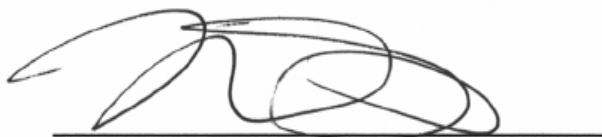
Mr. Guerrero is the president and owner of Uno Auto Sales. He testified Orlando is his brother and a sales representative of Uno Auto Sales. He asserted the debtor purchased the vehicle with approximately \$4000 down. After the payments lapsed, he sent the debtor a notice of a right to cure on June 11, 2011. He attempted to contact the debtor on several occasions as well as her employer and family members. His company repossessed the vehicle on August 26, 2011. He was not made aware of the debtor's bankruptcy until two weeks later. He said he never received notice of the bankruptcy filing. Had he been aware the debtor filed bankruptcy he would not have repossessed the vehicle.

Decision

The court held that the creditor legally repossessed the debtor's vehicle. Because there was no statement of intention filed within thirty (30) days of the filing of her petition, the automatic stay was no longer in effect at the time of the repossession. 11 U.S.C. §362(h).

Therefore, the motion for sanctions is denied.

SO ORDERED.
October 28, 2011



Margaret Dee McGarity
United States Bankruptcy Judge